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09/558,532 04/26/00 SCHANTZ

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022878 HM12/1001
AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LE
P.O. BOX 7599
M/S DL429
LOVELAND CO 80537-0599

EXAMINER

FORMAN, B

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/558,532

Applicant(s)

SCHANTZ ET AL.

Examiner

BJ Forman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's election with traverse of Species B, claims 1-44 in Paper No. 5 is acknowledged. In view of Applicant's arguments, the previous Restriction Requirement is withdrawn.

Claims 1-44 are pending.

Claim Objections

2. Applicant is advised that should claim 12 be found allowable, claim 33 will be objected to under 37 CFR 1.75 as being a duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1-25, 30 and 33 are indefinite in Claim 1 because Claim 1 is drawn to a "method for fabricating at least one addressable array" but the method does not recite steps for fabricating an addressable array. Method claims need not recite all operating details but

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should at least recite positive, active steps so that the claims will set out and circumscribe a particular area with a reasonable degree of precision and particularity and make clear what subject matter the claims encompass as well as make clear the subject matter from which others would be precluded. *Ex parte Erlich*, 3 USPQ2d 1011 at 6. It is suggested that Claim 1 be amended to recite positive and active method steps for addressable array fabrication.

b. Claims 1-25, 30 and 33 are indefinite in Claim 1 for the recitation "dispensing droplets.....onto the sensing element and onto the substrate" because the physical relationship between the sensing element and the substrate is not defined and therefore it is unclear whether droplets are dispensed onto one surface (i.e. the substrate) or two (i.e. the substrate and the sensor). It is suggested that Claim 1 be amended to define the relationship between the sensing element and substrate.

c. Claim 7 is indefinite in the recitation "changing a set of one or more reagents in the dispenser unit" because "a set of one or more" and "reagents" both lack proper antecedent basis in Claim 1 which recites "biopolymers or biopolymer precursors". It is suggested that Claim 7 be amended to provide proper antecedent basis e.g. replace "a set of one or more reagents" with "biopolymers or biopolymer precursors".

d. Claim 7 is also indefinite because it is unclear at what step within the steps of Claim 1, the additional step of changing reagents is performed. It is suggested that Claim 7 be amended to recite the step of Claim 1 wherein the additional steps of changing reagents is performed.

e. Claim 10 is indefinite in the recitation "one or more features on the array" because "features" lacks proper antecedent basis in Claim 1. It is suggested that the claim be amended to provide proper antecedent basis e.g. replace "features" with "droplets carrying biopolymers or biopolymer precursors".

f. Claim 10 is also indefinite in the recitation "correlating the detected error with one or more features" because "correlating" is a non-specific relational term and therefore, the

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relationship between the error and features is undefined. It is suggested that Claim 10 be amended to define the relationship e.g. replace “correlating” with “and” and replacing “with” with “identifies”.

g. Claim 11 is indefinite in the recitation “communicating information relating to the defective features” because “information” lacks proper antecedent basis in Claim 10. The recitation is further indefinite because “relating” is a non-specific relational term and therefore the relationship between the “information” and “features” is undefined. It is suggested that the claim be amended to define the relationship and to provide proper antecedent basis e.g. replace “information relating to” with “detected”.

h. Claims 15 and 16 are each indefinite for the recitation “to generate electrical signals, when the dispenser unit passes beyond the array being fabricated.....” because, with the comma after “signals” it is unclear if signals are generated when the dispenser passes beyond the array. It is suggested that the claims each be amended to clarify.

i. Claims 31 and 32 are indefinite in Claim 31 for the recitation “one or more features on the array” because “features” lacks proper antecedent basis in the claim. It is suggested that the claim be amended to provide proper antecedent basis e.g. replace “features” with “droplets carrying biopolymers or biopolymer precursors”.

j. Claims 31 and 32 are indefinite in Claims 31 for the recitation “correlating the detected error with one or more features” because “correlating” is a non-specific relational term. Therefore, the relationship between the error and features is undefined. It is suggested that Claim 31 be amended to define the relationship e.g. replace “correlating” with “and” and replacing “with” with “identifies”.

k. Claim 32 is indefinite in the recitation “communicating information relating to the defective features” because “information” lacks proper antecedent basis in Claim 10. The recitation is further indefinite because “relating” is a non-specific relational term and therefore the relationship between the “information” and “features” is undefined. It is suggested that the

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claim be amended to define the relationship and to provide proper antecedent basis e.g. replace "information relating to" with "detected".

l. Claim 35 is indefinite in step (a), line 2, for the recitation "on the mounted substrate" because "mounted substrate" lacks proper antecedent basis in the preamble. It is suggested that the claim be amended to provide proper antecedent basis e.g. delete "mounted".

m. Claim 35 is indefinite in step (b), lines 2-3, for the recitation "the substrate holder" because the recitation lacks proper antecedent basis in the preamble. It is suggested that the claim be amended to provide proper antecedent basis e.g. replace "the" with "a".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-14, 17-20, 28, 29, 31-37 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schantz et al. (U.S. Patent No. 6,086,190, filed 7 October 1997) in view of Brennan (U.S. Patent No. 5,474,796, filed 27 May 1993).

Regarding Claim 1, Schantz et al. teach a method of fabricating at least one addressable array on a substrate using a drop deposition apparatus having a drop dispenser unit and a sensing element, the method comprising: dispensing droplets from a drop dispenser unit onto the sensing element on the substrate; detecting electrical signals from the dispensed droplets striking the sensor element; and evaluating a performance characteristic of the deposition based on the detected signals (Column 2, line 59-Column 3, line 21 and Column 4, lines 4-12). Schantz et al. do not teach the droplets carry biopolymers. However, addressable arrays of

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biopolymers were well known in the art at the time the claimed invention was made as taught by Brennan. Specifically, Brennan teach a similar method of fabricating an array comprising: for each of multiple addresses, dispensing droplets carrying biopolymers from a drop dispenser unit onto a substrate so as to fabricate the array; and detecting signals resulting from the deposit of the biopolymers (Column 2, line 50-Column 3, line 36). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer carrying droplets taught by Brennan to thereby provide an addressable array of biopolymers for the expected benefit conducting a large number of biopolymer reactions each at a specific address on a support as taught by Brennan (Column 2, lines 11-15).

Regarding Claim 2, Schantz et al. teach the method wherein the electrical signals result from droplets imparting an electrical stimulus to the sensing element (Column 3, lines 22-30).

Regarding Claim 3, Schantz et al. teach the method wherein a performance characteristic of the deposition unit is evaluated (Column 4, lines 4-12).

Regarding Claim 4, Schantz et al. teach the method further comprising: when after dispensing droplets onto the substrate an error is detecting in which an evaluated performance characteristic is outside a predetermined tolerance, then the source of the error is corrected or the apparatus is operated to compensate for the error (Column 6, line 38-Column 7, line 17).

Regarding Claim 5, Schantz et al. teach the method the error is detected after dispensing droplets and the source of the error is corrected or the apparatus is operated to compensate for the error (Column 6, line 38-Column 7, line 17).

Regarding Claim 7, Schantz et al. teach detection and evaluation of the dispensed droplets (Column 6, line 38-Column 7, line 17) but they do not teach changing a set of reagents in the dispenser unit to a different set of reagents. However, Brennan teach the similar method wherein different reagent droplets are dispensed (Fig.6). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the different

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reagent droplets of Brennan to the detection and evaluation taught by Schantz et al. to thereby detect and evaluate the deposition of all biopolymers dispensed onto the array for the expected benefit of economy and accuracy i.e. inexpensively dispensing each of the clinically important biopolymers with controlled accuracy and volume as taught by Schantz et al. (Abstract).

Regarding Claim 8, Schantz et al. teach the method wherein the dispenser unit is rejected based on the evaluated performance characteristic (Column 6, lines 38-40). They do not specifically teach the array is rejected, however, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to reject the array having droplets dispensed by the rejected dispenser unit for the obvious benefit of quality control i.e. any array fabricated using a rejected dispenser unit would also be rejected because one skilled in the art would expect the array and the reactions performed using the array to be of low quality and therefore, the skilled practitioner would reject the array based on its expected low quality.

Regarding Claim 9, Schantz et al. teach the method wherein the dispenser unit comprise a pulse jet which ejects a droplet in response to a signal (i.e. voltage) and the error is corrected by re-priming the pulse jet (i.e. adjusts the voltage which primes the pulse (Column 7, lines 1-17)).

Regarding Claim 10, Schantz et al. teach the method comprising when an error is detected in which an evaluated performance characteristic is outside a predetermined tolerance and correlating the error with dispenser unit which is rejected based on the error (Column 6, lines 38-40) but they do not specifically teach the one or more features on the array are rejected. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to reject the array having droplets dispensed by the rejected dispenser unit for the obvious benefit of quality control i.e. any droplet dispensed using a rejected dispenser unit would also be rejected because one skilled in the art would expect the

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droplet and the reactions performed using the droplet to be of low quality and therefore, the skilled practitioner would reject the droplet based on its expected low quality.

Regarding Claim 11, Schantz et al. teach the method additionally comprising saving information relating to the defective features onto a storage medium i.e. printer processor (Column 6, lines 7-27).

Regarding Claim 12, Schantz et al. teach the method wherein the tolerance is 0 (i.e. go/no-go decision, Column 6, lines 38-39).

Regarding Claim 13, Schantz et al. teach the method wherein the dispenser unit comprises pulse jets which eject a droplet in response to a priming signal (Column 3, lines 13-21) and the evaluated performance characteristic is whether one or more pulse jet are primed (Column 6, lines 23-37).

Regarding Claim 14, Schantz et al. teach the method additionally comprising, when an error is detected, then firing the jet until the signals indicate the jet is primed (Column 6, lines 38-49). Schantz et al. teach the additional steps of adjusting the printing algorithm if the jet does not fire. However, the open claim language "comprising" encompasses the additional steps of Schantz et al.

Regarding Claim 17, Schantz et al. teach the method wherein the sensor comprises the substrate i.e. the surface upon which the droplets are dispensed (Column 7, lines 26-30).

Regarding Claim 18, Schantz et al. teach the method wherein the evaluated performance characteristic is the size (i.e. volume) of droplets dispensed (Column 4, lines 9-11).

Regarding Claim 19, Schantz et al. teach the method wherein the evaluated performance characteristic is the velocity of droplets dispensed (Column 4, lines 11-12).

Regarding Claim 20, Schantz et al. teach the method wherein droplet velocity is evaluated based on the difference in time between when the dispenser unit is activated and the time when the signal is detected (Column 4, lines 22-29).

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Regarding Claim 28, Schantz et al. teach an apparatus comprising: a drop dispensing unit which can deposit droplets onto different addresses on a substrate; a sensing element and an amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column 3, lines 7-42); and a processor which causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the dispensing unit; and when an error is detected, operates the apparatus to correct for the error or compensate for the error (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors, however, dispensed droplets carrying biopolymers and biopolymer precursors were well known in the art at the time the claimed invention was made as taught by Brennen who teach a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate (Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets dispensed in by the apparatus of Schantz et al. (a) with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

Regarding Claim 29, Schantz et al. teach the apparatus wherein the processor causes the drop dispensing unit to dispense droplets toward the sensing element; and when the error is detected the processor operates the apparatus to correct for the error or compensates for the error (Column 6, lines 23-64).

Regarding Claim 31, Schantz et al. teach an apparatus comprising a drop dispensing unit which can deposit droplets onto different addresses on the substrate; a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing

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element (Column 3, lines 7-42); and a processor which causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the apparatus; and when an error is detected in which an evaluated performance characteristic is outside a predetermined tolerance correlates the error with one or more features on the array i.e. the program correlates droplet detection values and faulty nozzles (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors. However, dispensed droplets carrying biopolymers and biopolymer precursors were well known in the art at the time the claimed invention was made as taught by Brennen who teach a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate (Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

Regarding Claim 32, Schantz et al. teach the apparatus additionally comprising saving information relating to the defective features onto a storage medium i.e. printer processor (Column 6, lines 7-27).

Regarding Claim 33, Schantz et al. teach the method of Claim 10 wherein the tolerance is 0 (i.e. go/no-go decision, Column 6, lines 38-39).

Regarding Claim 34, Schantz et al. teach an apparatus comprising: a substrate holder onto which a substrate may be mounted (Column 7, lines 25-45); a drop dispensing unit which can deposit droplets onto different addresses on the substrate; a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column

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3, lines 7-42); and a processor which causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the apparatus (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors, however, dispensed droplets carrying biopolymers and biopolymer precursors were well known in the art at the time the claimed invention was made as taught by Brennen who teach a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate (Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

Regarding Claim 35, Schantz et al. teach an apparatus comprising: a drop dispensing unit which can deposit droplets onto different addresses on the substrate; a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column 3, lines 7-42) wherein the sensing element comprises a substrate holder such that the dispensed droplets generate the electrical signals which are conveyed through at least part of the holder (Column 7, lines 31-37); and a processor which causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the apparatus (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors, however, dispensed droplets carrying biopolymers and biopolymer precursors were well known in the art at the time the claimed invention was made as taught by Brennen who teach a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate

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(Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

Regarding Claim 36, Schantz et al. teach an apparatus comprising: a drop dispensing unit which can deposit droplets onto different addresses on the substrate; a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column 3, lines 7-42); and a processor which causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the apparatus (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors, however, dispensed droplets carrying biopolymers and biopolymer precursors were well known in the art at the time the claimed invention was made as taught by Brennen who teach a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate (Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

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Regarding Claim 37, Schantz et al. teach the apparatus wherein the processor evaluates droplet velocity based on the time difference between when the dispenser unit was activated and when the signal was detected (Column 4, lines 22-29).

Regarding Claim 43, Schantz et al. teach a computer program product comprising a computer readable storage medium, the program performing the steps of: dispensing droplets; detecting electrical signals from the droplets; evaluating a performance characteristic of the apparatus; and when an error is detected, correct or compensate for the error i.e. the printer processor, printing code and signal processing code (Column 6, lines 23-49 and Fig. 1).

Regarding Claim 44, Schantz et al. teach a computer program product comprising a computer readable storage medium, the program performing the steps of: dispensing droplets onto a substrate and a sensor element; detecting electrical signals from the droplets; evaluating a performance characteristic of the apparatus; and when an error is detected, correct or compensate for the error i.e. the printer processor, printing code and signal processing code (Column 6, lines 23-49 and Fig. 1).

7. Claims 6, 15, 16, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schantz et al. (U.S. Patent No. 6,086,190, filed 7 October 1997) and Brennen (U.S. Patent No. 5,474,794, filed 27 May 1993) as applied to Claim 1 above and further in view of Brown et al. (U.S. Patent No. 5,807,522, filed 7 June 1995).

Regarding Claim 6, Schantz et al. teach a method of fabricating at least one addressable array on a substrate comprising: dispensing droplets from a drop dispenser unit onto the sensing element on the substrate; detecting electrical signals from the dispensed droplets striking the sensor element; and evaluating a performance characteristic of the deposition based on the detected signals (Column 2, line 59-Column 3, line 21 and Column 4, lines 4-12).

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Schantz et al. do not teach the droplets carry biopolymers. However, Brennan teach a similar method of fabricating an array comprising: dispensing droplets carrying biopolymers onto a substrate; and detecting signals resulting from the deposit of the biopolymers (Column 2, line 50-Column 3, line 36). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer carrying droplets taught by Brennan to thereby provide an addressable array of biopolymers for the expected benefit conducting a large number of biopolymer reactions each at a specific address on a support as taught by Brennan (Column 2, lines 11-15). Additionally, Schantz et al. teach the method wherein an error is detected after dispensing droplets and the source of the error is corrected or the apparatus is operated to compensate for the error (Column 6, line 38-Column 7, line 17) but they do not teach multiple arrays are fabricated on the same substrate. However, Brown et al. teach a similar method comprising for each of multiple addresses, dispensing droplets comprising biopolymers onto a substrate wherein multiple array are fabricated on the same substrate (Column 11, lines 43-61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the array of Schantz et al. and Brennan with the multiple array fabrication of Brown et al. to thereby fabricate identical substrates for performing mass screenings with minimal handling for the expected benefit of rapid and convenient screening as taught by Brown et al. (Column 15, lines 59-67).

Regarding Claim 15, Schantz et al. teach the method wherein the sensing element is stuck by droplets to generate electrical signals (Column 3, lines 23-30) but they do not teach the dispenser unit is repeatedly scanned across the substrate while dispensing droplets. However, Brown et al. teach the similar method wherein the dispenser unit is repeatedly scanned across the substrate (Column 7, lines 17-34). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the dispenser of Schantz et al. and Brennan with the dispenser which scans across the substrate as taught by

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Brown et al. to thereby dispense repeatedly and accurately the biopolymer droplets for the expected benefit of providing a substrate capable of rapid and convenient screening as taught by Brown et al. (Column 15, lines 59-67).

Regarding Claim 16, Schantz et al. teach the method wherein the sensing element is struck by droplets so as to generate electrical signals ((Column 3, lines 23-30). AS stated above, it is unclear how the "when the dispenser unit passes.....of the array" further limits the claim.

Regarding Claim 30, Schantz et al. teach the method of Claim 1 wherein the processor cause the drop dispensing unit to dispense droplets; and when the error is detected the processor corrects for or compensates for the error (Column 6, lines 22-49) but the do not teach the method wherein the multiple arrays are formed on the same substrate. However, Brown et al. teach a similar method comprising for each of multiple addresses, dispensing droplets comprising biopolymers onto a substrate wherein multiple array are fabricated on the same substrate (Column 11, lines 43-61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the array of Schantz et al. and Brennan with the multiple array fabrication of Brown et al. to thereby fabricate identical substrates for performing mass screenings with minimal handling for the expected benefit of rapid and convenient screening as taught by Brown et al. (Column 15, lines 59-67).

9. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schantz et al. (a)(U.S. Patent No. 6,086,190, filed 7 October 1997) in view of Schantz et al. (b)(U.S. Patent No. 5,442,384, filed 19 October 1993) and Brennan (U.S. Patent No. 5,474,796, filed 27 may 1993).

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Regarding Claim 26, Schantz et al. (a) teach a drop deposition apparatus comprising: a drop dispensing unit (i.e. print head) having multiple dispensers (i.e. nozzles) each of which can deposit droplets onto different addresses onto a substrate; and a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column 3, lines 23-45). While Schantz et al. (a) teach the unit comprises multiple dispensers, they do not specifically teach their drop dispensing unit comprises at least six dispensers. However, Schantz et al. (b) teach a similar apparatus comprising a drop dispensing unit (i.e. print head) having multiple dispensers (i.e. nozzles) wherein their dispensing unit specifically has at least six dispensers and at least six reservoirs such that the dispensing unit can be simultaneously loaded with and dispensed between loadings at least six different droplets (Column 7, lines 10-67 and Fig. 11). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the at least six dispensers and reservoirs taught by Schantz et al. (b) to the similar dispensing unit of Schantz et al. (a) to thereby dispense at least six droplets from respective reservoirs for the expected benefit of uniform and aligned dispensing of six or more droplets simultaneously as taught by Schantz et al. (b) (Column 3, lines 29-35). Schantz et al. (a) do not teach the droplets carry biopolymers or biopolymer precursors, however, dispensed droplets carrying 1 (Column 7, lines 8-15). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. (a) with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense at least six droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (a) (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions.

Regarding Claim 27, Schantz et al. (a) teach the apparatus wherein the sensing element and amplifier detect electrical signals resulting from the droplets imparting an electrical stimulus to the sensing element (Column 3, lines 23-42).

10. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schantz et al. (a)(U.S. Patent No. 6,086,190, filed 7 October 1997) in view of Brennan (U.S. Patent No. 5,474,796, filed 27 May 1993) as applied to Claim 1 above and further in view of Fleischer et al. (U.S. Patent No. 4,067,019, filed 14 June 1976).

Regarding Claims 21-24, Schantz et al. teach a method of fabricating at least one addressable array on a substrate comprising: dispensing droplets from a drop dispenser unit onto the sensing element on the substrate; detecting electrical signals from the dispensed droplets striking the sensor element; and evaluating a performance characteristic of the deposition based on the detected signals (Column 2, line 59-Column 3, line 21 and Column 4, lines 4-12). Schantz et al. do not teach the droplets carry biopolymers. However, Brennan teach a similar method of fabricating an array comprising: dispensing droplets carrying biopolymers onto a substrate; and detecting signals resulting from the deposit of the biopolymers (Column 2, line 50-Column 3, line 36). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer carrying droplets taught by Brennan to thereby provide an addressable array of biopolymers for the expected benefit conducting a large number of biopolymer reactions each at a specific address on a support as taught by Brennan (Column 2, lines 11-15). Additionally, Schantz et al. teach the method wherein an error is detected to minimize the cost and increase the accuracy of dispensing (Column 2, lines 21-35) and they teach the sensing element has an insensitive region such that a signal is not generated when a droplet is co-incident with the insensitive region (i.e. the sensing element is a grid of fine wire which generates a signal when a droplet strikes (Column 7, lines 32-37). Schantz et al. do not teach the method wherein droplets are dispensed at at least two different distances from the

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sensor (Claim 21); wherein the performance characteristic evaluation comprises the placement of droplets (Claim 22); wherein the placement of droplets is evaluated from the relative positions of the dispenser unit (Claim 23); and wherein the sensing element has an insensitive region, and intermediate sensitive regions and placement of droplets is evaluated from the relative positions of the dispensed droplets (Claim 24). However, Fleischer et al. teach the motivation for evaluating performance characteristics (e.g. positioning and relative positioning) of droplet dispensing i.e. proper dispensing alignment is critical for quality substrate fabrication. Therefore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to further analyze the performance of the dispenser by dispensing droplets at two or more distances from the sensor (Claim 21) analyze placement of droplets (Claim 22); analyze relative positions of the dispenser unit (Claim 23); and analyze relative positions of the dispensed droplets (Claim 24) to thereby analyze numerous performance characteristics for the obvious benefits of fabricating a substrate of the highest quality.

Regarding Claim 25, Schantz et al. teach the method wherein the insensitive region is an opening in the sensing element (i.e. space between the wire grid, Column 7, lines 32-37).

11. Claims 38-42 rejected under 35 U.S.C. 103(a) as being unpatentable over Schantz et al. (a)(U.S. Patent No. 6,086,190, filed 7 October 1997) in view of Brennan (U.S. Patent No. 5,474,796, filed 27 May 1993) as applied to Claim 36 above and further in view of Fleischer et al. (U.S. Patent No. 4,067,019, filed 14 June 1976).

Regarding Claims 38-40, Schantz et al. teach an apparatus comprising: a drop dispensing unit; a sensing element and amplifier to detect electrical signals resulting from dispensed droplets striking the sensing element (Column 3, lines 7-42); and a processor which

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causes the drop dispensing unit to dispense droplets toward the sensing element and evaluates a performance characteristic of the apparatus (Column 6, lines 23-64) but they do not teach the droplets carry biopolymers or biopolymer precursors. However, Brennen teaches a similar apparatus comprising a drop dispensing unit which can deposit droplets carrying biopolymers and/or biopolymer precursors onto a substrate (Column 7, lines 8-15) wherein the substrate comprising the droplets provides the means for performing a large number of reactions on the substrate. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the droplets of Schantz et al. with the biopolymer and/or biopolymer precursor droplets of Brennen to thereby dispense droplets of biopolymers on a substrate to provide the means for performing a large number of reactions for the expected benefit of minimizing the cost of biopolymer deposit as taught by Schantz et al. (Column 2, lines 21-23) to thereby minimizing the cost of the large number of reactions. Schantz et al. teach the apparatus wherein the processor evaluates droplet velocity based on the time difference between when the dispenser unit was activated and when the signal was detected (Column 4, lines 22-29) but they do not teach the droplets are dispensed at least two different distances from the sensor. Additionally, Schantz et al. teach the apparatus wherein an error is detected to minimize the cost and increase the accuracy of dispensing (Column 2, lines 21-35) and they teach the sensing element has an insensitive region such that a signal is not generated when a droplet is co-incident with the insensitive region (i.e. the sensing element is a grid of fine wire which generates a signal when a droplet strikes (Column 7, lines 32-37). Schantz et al. do not teach the apparatus wherein droplets are dispensed at at least two different distances from the sensor (Claim 38); wherein the placement of droplets is evaluated from the relative positions of the dispenser unit (Claim 39); and wherein the sensing element has an insensitive region, and intermediate sensitive regions and placement of droplets is evaluated from the relative positions of the dispensed droplets (Claim 40). However, Fleischer et al. teach the motivation for evaluating performance characteristics (e.g. positioning and

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relative positioning) of droplet dispensing i.e. proper dispensing alignment is critical for quality substrate fabrication. Therefore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to further analyze the performance of the dispenser by dispensing droplets at two or more distances from the sensor (Claim 38); analyze relative positions of the dispenser unit (Claim 39); and analyze relative positions of the dispensed droplets (Claim 40) to thereby analyze numerous performance characteristics for the obvious benefits of fabricating a substrate of the highest quality.

Regarding Claim 41, Schantz et al. teach the apparatus wherein the insensitive region is an opening in the sensing element (i.e. space between the wire grid, Column 7, lines 32-37).

Regarding Claim 42, Schantz et al. teach the apparatus wherein the insensitive region is a gap between sensitive regions in the form of linear conductors (i.e. space between the wire grid, Column 7, lines 32-37).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pease et al. U.S. Patent No. 6,239,273, teach a method and apparatus for fabricating an array of biopolymers (Fig. 9 and 10).

Conclusion

12. No claim is allowed.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:45 TO 4:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this

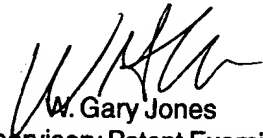
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application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



BJ Forman, Ph.D.
September 27, 2001



W. Gary Jones
Supervisory Patent Examiner
Technology Center 1600

9/27/01